IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 17622 of 2004

Between:

1 P.Srinivasa Rao S/o Sri P.P.Manohar Rao,
R/o 1-9-20/B/4/1, Ramnagar, Hyderabad.
2 P.Sridhar S/o Sri P.P.Manohar Rao,
R/o 1-9-20/B/4/1, Ramnagar, Hyderabad.

..... PETITIONERS

AND

1 The Municipal Corporation of Hyderabad represented by its

Commissioner, M.C.H., Hyderabad.
2 The Assistant City Planner, Circle-III, Town Planning Section, M.C.H.,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or a direction or a writ more particularly a writ in the nature of mandamus declaring the action of the respondents in attempting to acquire part of the petitioners house property by demolishing the existing compound wall and balconies without following the due process of law as arbitrary, illegal and unconstitutional and not to dispossess and acquire any part of the petitioners property without following due process of law as contemplated under the Land Acquisition Act.

Counsel for the Petitioners : Mr.P.PRATAP REDDY

Counsel for the Respondents: Mr.RAMA RAO GANTA

The Court at the stage of admission, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for Corporation and both of them have agreed for disposal of the writ petition in terms of the order passed by the Division Bench of this Court in W.P.No.20884 of 1997 dated 3.2.1998, wherein the Division Bench held that if the Municipal Corporation requires the property of a citizen for widening of roads, necessarily they have to follow the due procedure as contemplated under Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955 and if the owners of the property decline to give consent for widening of the road, necessarily the Municipal Corporation has to follow the procedure contemplated under the Land Acquisition Act for acquiring the property.

In view of the same, the respondents have to follow the procedure indicated in the aforesaid judgment in case they seek to widen the roads and the Municipal Corporation shall not demolish the structures without following the due procedure as contemplated under law and the procedure indicated in the aforesaid judgment.

The writ petition is disposed of in terms of the order passed by the Division Bench of this Court in W.P.No.20884 of 1997 dated 3.2.1998. No costs.

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A.GOPAL REDDY, J

Date: 30.9.2004

DA

To

1 The Commissioner, Municipal Corporation of Hyderabad, Hyderabad.
2 The Assistant City Planner, Circle-III, Town Planning Section, M.C.H.,

Hyderabad.

3 Two CD copies.